

REFERENCE TITLE: state fire marshal; assistant inspectors.

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1353

Introduced by
Senator Allen: Representative Burton Cahill

AN ACT

AMENDING SECTIONS 41-2162 AND 41-2164, ARIZONA REVISED STATUTES; RELATING TO
THE STATE FIRE MARSHAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2162, Arizona Revised Statutes, is amended to
3 read:

4 41-2162. Deputy fire marshals and assistants; appointment

5 A. The state fire marshal may, with the approval of the director:

6 1. Hire deputy fire marshals who shall have knowledge in the field of
7 fire safety and have at least five years' experience in fire safety and hire
8 such other assistants and employees as are necessary to properly discharge
9 the duties imposed upon the state fire marshal pursuant to this article.

10 2. Appoint as assistant fire inspectors any of the fire chiefs of a
11 ~~city, town, county, volunteer fire company or protective district to act~~
12 ~~within their area of jurisdiction~~ FIRE SERVICE PROVIDER SERVING THE
13 RESPECTIVE JURISDICTION or upon the recommendation of the fire chief appoint
14 other assistant fire inspectors if needed to function within the
15 jurisdiction.

16 3. Appoint other assistant fire inspectors as are necessary in areas
17 which are not under the jurisdiction of a fire chief designated in paragraph
18 2 who may be employees of this state, ~~or~~ the federal government OR THE FIRE
19 SERVICE PROVIDER SERVING THE JURISDICTION.

20 B. Assistant fire inspectors appointed under subsection A, paragraph 2
21 or 3 are not entitled to receive additional compensation for performing
22 duties under this article. Assistant fire inspectors appointed under
23 subsection A, paragraph 2 or 3 shall have attended fire inspector training
24 and shall be tested and certified by the state fire marshal.

25 C. ASSISTANT FIRE INSPECTORS WHO ARE APPOINTED UNDER SUBSECTION A,
26 PARAGRAPH 2 OR 3 MAY INSPECT PROPERTY, ISSUE CITATIONS AND ENFORCE THE FIRE
27 CODE THAT IS ADOPTED BY THE JURISDICTION. ASSISTANT FIRE INSPECTORS SHALL
28 REPORT ALL ACTIONS TAKEN TO THE FIRE MARSHAL IN A MANNER PRESCRIBED BY THE
29 FIRE MARSHAL.

30 Sec. 2. Section 41-2164, Arizona Revised Statutes, is amended to read:

31 41-2164. Inspection; consent; search warrant

32 A. The fire marshal or ~~his~~ THE FIRE MARSHAL'S designated
33 representative may investigate fire damage and shall carry out periodic
34 inspection programs of buildings and premises to examine or inspect for fire
35 hazards.

36 B. In carrying out such inspections or investigations the fire marshal
37 or ~~his~~ THE FIRE MARSHAL'S designated representative shall identify himself to
38 the owner or tenant of such building or premises and seek the consent of such
39 owner or tenant to carry out such inspection. If such consent is refused, or
40 it is not possible to reasonably obtain consent, the fire marshal or ~~his~~ THE
41 FIRE MARSHAL'S designated representative shall obtain a search warrant for
42 such building or property in compliance with ~~the provisions of~~ title 13,
43 chapter 38, article 8.

1 C. When the fire marshal is assisting a local fire department in an
2 investigation of fire damage, the authority of the local fire department to
3 investigate such fire damage shall be deemed to include the fire marshal or
4 ~~his~~ THE FIRE MARSHAL'S designated representative.

5 D. THE FIRE MARSHAL, DEPUTY FIRE MARSHALS OR ASSISTANT FIRE INSPECTORS
6 MAY INSPECT BUILDINGS AND PREMISES IN RESPONSE TO AN EMERGENCY CALL OR AT THE
7 REQUEST OF THE OCCUPANT OF THE PROPERTY.